

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**LINDA MARIE JONES, AKA
LINDA MARIE ELLIS**

Registered Nurse License No. 456323
Public Health Nurse Certificate No. 48373

Respondent

Case No. 2013-118

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 17, 2012.**

IT IS SO ORDERED **December 17, 2012.**



Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-118

13 **LINDA MARIE JONES**
14 **a.k.a. LINDA MARIE ELLIS**
12402 E. Pacific Circle, Unit A
Aurora, CO 80014

**STIPULATED SURRENDER OF
LICENSE AND CERTIFICATE; AND
ORDER**

15 **Registered Nurse License No. 456323**
16 **Public Health Nurse Certificate No. 48373**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Leslie E. Brast,
23 Deputy Attorney General.

24 2. Linda Marie Jones, a.k.a. Linda Marie Ellis, (Respondent) is represented in this
25 proceeding by attorney Laura C. McLennan, Moore McLennan, LLP, whose address is 701 North
26 Brand Boulevard, Suite 200, Glendale, California 91203-4232..

27 3. On or about August 31, 1990, the Board of Registered Nursing (Board) issued
28 Registered Nurse License No. 456323 to Respondent Linda Marie Jones, a.k.a. Linda Marie Ellis.

1 The Registered Nurse License was in full force and effect at all times relevant to the charges
2 brought in Accusation No. 2013-118 and expired on May 31, 2004, and has not been renewed.

3 4. On or about January 22, 1992, the Board issued Public Health Nurse Certificate No.
4 48373 to Respondent. The Public Health Nurse Certificate expired on May 31, 2004, and has not
5 been renewed.

6 JURISDICTION

7 5. Accusation No. 2013-118 was filed before the Board of Registered Nursing,
8 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
9 and all other statutorily required documents were properly served on Respondent on August 10,
10 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
11 Accusation No. 2013-118 is attached as Exhibit A and incorporated by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 2013-118. Respondent also has carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
16 Certificate; and Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
19 her own expense; the right to confront and cross-examine the witnesses against her; the right to
20 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
21 compel the attendance of witnesses and the production of documents; the right to reconsideration
22 and court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 9. Respondent admits the truth of each and every charge and allegation in Accusation
28 No. 2013-118, agrees that cause exists for discipline and hereby surrenders her Registered Nurse

1 License No. 456323 for the Board's formal acceptance.

2 10. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 2013-118, agrees that cause exists for discipline and hereby surrenders her Public Health
4 Nurse Certificate No. 48373 for the Board's formal acceptance.

5 11. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of both her Registered Nurse License and her Public Health
7 Nurse Certificate without further process.

8 CONTINGENCY

9 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Registered Nursing may communicate directly with the Board regarding this stipulation and
12 surrender, without notice to or participation by Respondent or her counsel. By signing the
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
15 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
16 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
17 action between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 13. The parties understand and agree that facsimile copies of this Stipulated Surrender of
20 License and Certificate; and Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 14. This Stipulated Surrender of License and Certificate; and Order is intended by the
23 parties to be an integrated writing representing the complete, final, and exclusive embodiment of
24 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
25 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
26 License and Certificate; and Order may not be altered, amended, modified, supplemented, or
27 otherwise changed except by a writing executed by an authorized representative of each of the
28 parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 456323 issued to Respondent Linda Marie Jones, a.k.a. Linda Marie Ellis, is surrendered and accepted by the Board of Registered Nursing.

IT IS FURTHER ORDERED that Public Health Nurse Certificate No. 48373 issued to Respondent Linda Marie Jones, a.k.a. Linda Marie Ellis, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License, the surrender of her Public Health Nurse Certificate, and the acceptance of the surrendered license and certificate by the Board, shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall lose all rights and privileges as a Public Health Nurse in California as of the effective date of the Board's Decision and Order.

4. Respondent shall cause to be delivered to the Board her pocket Registered Nurse license, her Public Health Nurse certificate and, if issued, her wall license and certificates on or before the effective date of the Decision and Order.

5. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license and certificate in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2013-118 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

6. If and when Respondent's license and/or certificate are reinstated, she shall pay to the

1 Board costs associated with its investigation and enforcement pursuant to Business and
2 Professions Code section 125.3 in the amount of \$1,527.50. Respondent shall be permitted to pay
3 these costs in a payment plan approved by the Board. Nothing in this provision shall be
4 construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of
5 the license.

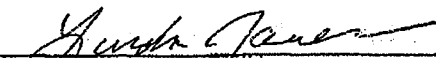
6 7. If Respondent should ever apply or reapply for a new license and/or certification, or
7 petition for reinstatement of a license and/or certificate, by any other health care licensing agency
8 in the State of California, all of the charges and allegations contained in Accusation, No. 2013-
9 118 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
10 Statement of Issues or any other proceeding seeking to deny or restrict licensure and/or
11 certification.

12 8. Respondent shall not apply for licensure and/or certification or petition for
13 reinstatement for two (2) years from the effective date of the Board of Registered Nursing's
14 Decision and Order.

15 ACCEPTANCE

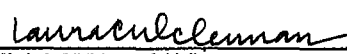
16 I have carefully read the above Stipulated Surrender of License and Order and have fully
17 discussed it with my attorney, Linda McLennan. I understand the stipulation and the effect it will
18 have on my Registered Nurse License, and Public Health Nurse Certificate. I enter into this
19 Stipulated Surrender of License and Certificate; and Order voluntarily, knowingly, intelligently,
20 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

21
22 DATED: 9/11/12


LINDA MARIE JONES
Respondent

24 I have read and fully discussed with Respondent Linda Marie Jones the terms and
25 conditions and other matters contained in this Stipulated Surrender of License and Certificate; and
26 Order. I approve its form and content.

27 DATED: 9/11/12


LAURA LINDA MCLENNAN
Attorney for Respondent

ENDORSEMENT

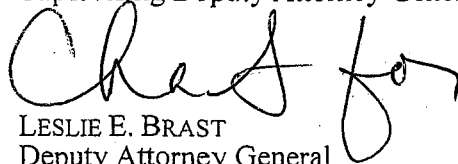
The foregoing Stipulated Surrender of License and Certificate; and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

9/17/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2013-118

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8 LYDIA ZANE, Senior Legal Analyst
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. **2013-118**

13 **LINDA MARIE JONES**
14 **a.k.a. LINDA MARIE ELLIS**
15 **1010 Grant Street**
Morgan, CO 80701

ACCUSATION

16 **Registered Nurse License No. 456323**
17 **Public Health Nurse Certificate No. 48373**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about August 31, 1990, the Board issued Registered Nurse License No. 456323
25 to Linda Marie Jones, a.k.a. Linda Marie Ellis (Respondent). The Registered Nurse License
26 expired on May 31, 2004, and has not been renewed.

27 ///

28 ///

1 3. On or about January 22, 1992, the Board issued Public Health Nurse Certificate No.
2 48373 to Respondent. The Public Health Nurse Certificate expired on May 31, 2004, and has not
3 been renewed.

4 JURISDICTION

5 4. This Accusation is brought before the Board under the authority of the following
6 laws. All section references are to the Business and Professions Code (Code) unless otherwise
7 indicated.

8 5. Code section 2750 provides, in pertinent part, that the Board may discipline any
9 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
10 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

11 6. Code section 2764 provides that the expiration of a license shall not deprive the
12 Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a
13 decision imposing discipline on the license. Under Code section 2811(b), the Board may renew
14 an expired license at any time within eight years after the expiration.

15 STATUTORY PROVISIONS

16 7. Code section 2761 states: "the board may take disciplinary action against a certified
17 or licensed nurse or deny an application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:
19

20 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
21 against a health care professional license or certificate by another state or territory of the United
22 States, by any other government agency, or by another California health care professional
23 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
24 action."

25 COST RECOVERY

26 8. Code section 125.3 provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case.

2 FIRST CAUSE FOR DISCIPLINE

3 (Unprofessional Conduct - Out of State Discipline)

(Bus. & Prof. Code section 2761, subd. (a)(4))

4 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), in that on or about May 6, 2009, in a disciplinary action before the State Board of Nursing,
6 State of Colorado (Colorado Board), in Case No. 2009-000317, the Colorado Board entered a
7 Stipulation and Final Agency Order whereby Respondent agreed that during the effective period
8 of the Agency Order, her Professional Nurse License No. 108491 would be issued as a single
9 state license without multistate license privileges to practice in other states except as otherwise
10 provided in the Colorado Board's Order. The circumstances of the discipline are as follows:

11 a. On or about February 1, 2002, Respondent entered into a Stipulation and Final
12 Agency Order (2002 Stipulation) with the Colorado Board wherein she agreed to immediately
13 cease the practice of nursing. Pursuant to the 2002 Stipulation, Respondent agreed to compliance
14 monitoring and participation in the Colorado Nurse Health Program (CNHP) which required that
15 she abstain from the use of alcohol, submit to alcohol and drug testing, submit sponsor reports,
16 and attend therapy sessions at a frequency determined by the CNHP in order to resume her
17 nursing practice in Colorado.

18 b. On or about May 23, 2007, the Colorado Board allowed Respondent to resume her
19 nursing practice under the terms of the 2002 Stipulation.

20 c. On or about June 20, 2008, Respondent was referred back to the Colorado Board for
21 non-compliance for having missed drug screens and breathalyzers on August 4, 2007, March 5,
22 2008, and May 8, 2008, as well as for missing reports during April 2008.

23 d. On or about May 6, 2009, the Colorado Board granted Respondent permission to
24 participate in its peer health assistance/nurse alternative to discipline program (PAS) under terms
25 that allow the Colorado Board to suspend and/or revoke Respondent's nursing license at any time
26 for continued non-compliance subject to the Stipulation and Final Agency Order.

27 ///

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License No. 456323, issued to Linda Marie Jones, a.k.a. Linda Marie Ellis;

2. Revoking or suspending Public Health Nurse Certificate No. 48373, issued to Linda Marie Jones, a.k.a. Linda Marie Ellis;

3. Ordering Linda Marie Jones, a.k.a. Linda Marie Ellis, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED:

August 10, 2012 *Stacy Benn*

for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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